

Chief Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
BRANDON BRANDRETH-GIBBS,
Defendant.

No. CR20-14 RSM

ORDER FINDING DEFENDANT
COMPETENT TO STAND TRIAL AND
SETTING TRIAL DATE

On September 16, 2021, Warden T. Scarantino of the Federal Medical Center (FMC) at the Federal Correctional Complex in Butner, North Carolina, certified that Defendant Brandon Brandreth-Gibbs has been restored to competency so that he “is able to understand the nature and consequences of the proceedings against him and to assist properly in his own defense.” *See* 18 U.S.C. § 4241(e). Brandreth-Gibbs was transported from FMC Butner to the Western District of Washington, arriving in this district on October 6, 2021.

On October 13, 2021, the Court attempted to hold a hearing under 18 U.S.C. § 4247(d) to determine Brandreth-Gibbs’s competency. The defense requested to postpone that hearing until the next week. The Court granted the defense request.

On October 21, 2021, the Court held the competency hearing. In advance of the hearing, the Court reviewed the competency report prepared by forensic psychologist Evan S. Du Bois, Psy.D.

1 Having received the evaluation of Dr. Du Bois and other materials in the record,
2 and based on the Court's own observations of Brandreth-Gibbs and the statements of
3 counsel, the Court FINDS that:

4 1. Brandreth-Gibbs has recovered to such an extent that he is able to
5 understand the nature and consequences of the proceedings against him and to assist
6 properly in his defense.

7 2. Brandreth-Gibbs shall be discharged from FMC Butner.

8 3. All time between March 6, 2020, and the date of this Order is excluded
9 from the speedy trial calculation. The Court previously excluded time from March 6,
10 2020, to June 29, 2020, under 18 U.S.C. § 3161(h)(7)(A) and (B). Dkt. 16. All time
11 through the date of the present Order is excluded under 18 U.S.C. § 3161(h)(1)(A),
12 (h)(1)(F), (h)(1)(H), and (h)(4).

13 4. Trial is set for January 18, 2022, as requested by the defense. All time from
14 the date of this Order through January 18, 2022, is excluded from the speedy trial
15 calculation. The Court finds that the ends of justice will be served by ordering this
16 continuance; that the continuance is necessary to ensure adequate time for effective case
17 preparation; and that these factors outweigh the best interests of the public and the
18 defendant in a speedy trial. Failure to grant the continuance would deny defense counsel
19 the reasonable time necessary for effective preparation, taking into account the exercise
20 of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv). Failure to grant
21 the continuance would also likely result in a miscarriage of justice under 18 U.S.C.
22 § 3161(h)(7)(B)(i). The ends of justice will be served by ordering the continuance, as it is
23 necessary to ensure adequate time for the defense to review discovery, effectively prepare
24 for trial, and discuss possible resolution. All these factors outweigh the best interests of
25 the public and the defendant in a more speedy trial under 18 U.S.C. § 3161(h)(7).

26 IT IS THEREFORE ORDERED that trial is set for January 18, 2022, and pretrial
27 motions are due December 16, 2021.

1 IT IS FURTHER ORDERED that the resulting period of delay is excluded for
2 speedy trial purposes under 18 U.S.C. § 3161(h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

3 DATED this 22nd day of October, 2021.
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6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE
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11 Presented by:
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13 s/ Gilbert H. Levy

14 GILBERT H. LEVY
15 Counsel for Defendant

16 s/ Jonas Lerman

17 JONAS LERMAN
18 Assistant United States Attorney
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